

SECOND REGULAR SESSION

HOUSE BILL NO. 1469

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CROSS (Sponsor), SCHOELLER, REDMON, HOUGHTON, DENISON, McGHEE, MOLENDORP, SCHARNHORST, FRAKER, BROWN (116), CRAWFORD, BRANDON, McCAHERTY, LONG, DAVIS, HAMPTON, WELLS, SCHAD, LAUER, BROWN (50), HOUGH, BERNSKOETTER, REIBOLDT, FRANKLIN, PHILLIPS, WETER, KORMAN AND GATSCHENBERGER (Co-sponsors).

4275L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 482.305 and 482.340, RSMo, and to enact in lieu thereof six new sections relating to small claims actions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 482.305 and 482.340, RSMo, are repealed and six new sections
2 enacted in lieu thereof, to be known as sections 441.715, 482.305, 482.340, 524.045, 534.025,
3 and 535.025, to read as follows:

**441.715. For claims filed in small claims court in an amount that does not exceed
2 five thousand dollars, parties may prosecute their claims and defenses without the
3 assistance of an attorney. Corporations or unincorporated associations may enter their
4 appearance and be represented by a president or vice-president. Such representation shall
5 not be deemed the unauthorized practice of law.**

482.305. When sitting as a small claims court, the judge shall have original jurisdiction
2 of all civil cases, whether tort or contract, where the amount in controversy does not exceed five
3 thousand dollars, exclusive of interest or costs, or as provided in this chapter, **or for a claim by
4 a landlord for ejectment of a tenant for the purpose of obtaining possession of a premises.**

482.340. 1. An action on a small claim may be commenced by filing with the clerk of
2 the small claims court a form substantially similar to the petition form provided in this section.
3 Petition forms shall be provided by the clerk of the small claims court free of charge to any
4 person:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 SMALL CLAIMS COURT

6 In the Circuit Court of, Missouri

7 Plaintiff)

Case number

8 vs

Amount claimed

9 Defendant)

Return date

10 PETITION

11 The plaintiff states that he **or she** has a claim against the defendant in the amount of
12 \$..... **or for the ejectment of a tenant for the purpose of obtaining possession of a premises.**

13 The claim arose on or about, 20..., as a result of the following events: Defendant can be
14 found at, Telephone No. Plaintiff can be found at, Telephone No.

15 The plaintiff states that the allegations of this complaint are true and correct to the best
16 of his **or her** knowledge, that [he] **the plaintiff** is not an assignee of this claim and that [he] **the**
17 **plaintiff** has not filed more than three other claims in the Missouri small claims courts during
18 the current calendar year. Plaintiff understands that should he **or she** be successful in this action
19 and obtain a judgment, and if defendant does not appeal and this judgment becomes final, the
20 plaintiff is barred from commencing another action involving the same parties and issues.
21 PLAINTIFF UNDERSTANDS THAT HE **OR SHE** IS HEREBY WAIVING HIS **OR HER**
22 RIGHT TO JURY TRIAL ON THESE ISSUES IN THE SMALL CLAIMS COURT.

23

24 (Plaintiff)

25 2. The summons in a small claims action shall be made in a form substantially similar
26 to the form below:

27 SUMMONS TO EACH OF THE ABOVE NAMED DEFENDANTS:

28 YOU ARE SUMMONED AND REQUIRED TO APPEAR IN PERSON IN ROOM ...
29 OF THE BUILDING LOCATED AT ON, 20..., AT THE HOUR OF

30 IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU
31 FOR THE AMOUNT ASKED IN THE PETITION, **IF ANY**, BUT NOT TO EXCEED \$1,000
32 PLUS INTEREST AND COSTS. THIS ACTION HAS BEEN FILED UNDER THE SMALL
33 CLAIMS COURT ACT. RULES OF EVIDENCE DO NOT APPLY AND YOU MAY
34 DEFEND THIS ACTION WITH OR WITHOUT THE ASSISTANCE OF AN ATTORNEY.

35

36 (Clerk of the Court)

37 3. A copy of the petition shall be attached to the summons. Instructions to the defendant
38 in substantially the following form shall accompany the summons.

39 INSTRUCTIONS TO DEFENDANT

40 1. If you do not wish to oppose plaintiff's claim you may:

- 41 (1) Contact plaintiff and make an out-of-court settlement
42 with the plaintiff before the hearing date and file with
43 the clerk of the court a dismissal of the case signed by
44 the plaintiff, or
45 (2) Make no appearance at the hearing. In that case the
46 plaintiff may be given a default judgment against you.
- 47 2. If you wish to oppose the claim:
48 (1) You must appear on the date and at the time set for
49 hearing.
50 (2) You should bring with you all books, papers,
51 witnesses, and evidence you have to establish
52 your defense.
53 (3) At your request the clerk will issue a subpoena for
54 any witness you may need (you must order the subpoena as
55 soon as possible and before the hearing date).
- 56 3. If you have a claim against the plaintiff, it is a
57 counterclaim. If you desire to file a counterclaim,
58 then:
59 (1) You must file your counterclaim with the court within
60 ten days after you receive this summons.
61 (2) To do this you must personally appear before the clerk
62 of the court.
63 (3) The clerk will assist you in preparing the
64 counterclaim.
- 65 4. If you are a member of the armed services of the United
66 States, please advise the court immediately upon receipt of
67 this summons.
- 68 5. Rules of evidence do not apply and you may defend this
69 action with or without the assistance of an attorney.
- 70 6. A pamphlet explaining the small claims court is
71 enclosed.
- 72 4. Copies of all forms and procedures applicable to small claims shall be available to any
73 person from the clerk of the small claims court without charge.

**524.045. For claims filed in small claims court in an amount that does not exceed
2 five thousand dollars, parties may prosecute their claims and defenses without the
3 assistance of an attorney. Corporations or unincorporated associations may enter their**

4 appearance and be represented by a president or vice-president. Such representation shall
5 not be deemed the unauthorized practice of law.

534.025. For claims filed in small claims court in an amount that does not exceed
2 five thousand dollars, parties may prosecute their claims and defenses without the
3 assistance of an attorney. Corporations or unincorporated associations may enter their
4 appearance and be represented by a president or vice-president. Such representation shall
5 not be deemed the unauthorized practice of law.

535.025. For claims filed in small claims court in an amount that does not exceed
2 five thousand dollars, parties may prosecute their claims and defenses without the
3 assistance of an attorney. Corporations or unincorporated associations may enter their
4 appearance and be represented by a president or vice-president. Such representation shall
5 not be deemed the unauthorized practice of law.

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